

Application No. 10/670,472
After Final Office Action of August 10, 2007

Docket No.: NY-LUD 5780.2 (10312064)

REMARKS

Claims 1, 11, 27-31, 33, 45, and 46 will be pending. Of these, claims 1, 11, 27-31, and 33 have been allowed, and claim 46 has been withdrawn from consideration. Claim 45 was rejected, and the remainder of applicants' remarks are directed thereto.

The Examiner has rejected claim 45, drawn to SEQ ID NO: 5, arguing that the prior art teaches that changes in the final position of a peptide can abolish the ability of T cells to respond to an antigen. Apparently, it is the Examiner's view that changing Leu to Ala at the C terminal position would be expected to abolish HLA binding. Applicants do not agree.

The specification actually shows that there is latitude with respect to the C terminal position of HLA-A2 binders. Figure 5B, discussed at page 41 of the specification, shows that while the octamer ALKDVEER did not bind to HLA-A2 as well as the nonamer ALKDVEERV, it did bind. In contrast, the octamer LKDVEERV did NOT bind. Essentially, what this experiment shows is criticality of peptide sequences at the N-terminus, not the C-terminus.

Further, the art shows that, while "XLXXXXXXV" is a recognized motif for peptide binding to HLA-A2, the rule is not "hard and fast." See Marsh, et al., The HLA FactsBook (academic Press, 2000), pages 105-107. Page 105 recites the motif, but one finds T cell epitopes nonamers with C terminal Leu, Ile, Met and Ala. Hence, while the Examiner has presented an elaborate argument regarding HLA binding generally, the fact is a single peptide is claimed, which corresponds to two HLA-A2 binders. The fact that ALKDVEER did bind, even though not as well as ALKDVEERV did, and LKDVEERV did not, suggests that changes at the ninth position are tolerated, as long as positions 1-8 remain constant.

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In view of the foregoing, it is believed that claim 45, as well as the other remaining claims, are patentable, and a holding to that end is urged.

* * *

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0624, under Order No. NY-LUD 5780.2 (10312064) from which the undersigned is authorized to draw.

Respectfully submitted,

By 

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Attachment: Copy of The HLA FactsBook, pages 105-107